IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9860 OF 2004

Datapro Information
Technology Ltd. and Ors. .. Petitioners.
Vs.
The Sangli Bank Ltd. .. Respondents.

Mr.A.Y.Sakhare for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 17TH DECEMBER, 2004

P.C.:

. Heard Mr.Sakhare, learned senior counsel for the petitioners.

2. I find no infirmity in the order impugned in the present writ petition. Mr.Sakhare, learned senior counsel for the petitioners, however, submits that the petitioners are prepared to deposit 75% of Rs.35,39,455/- within four weeks from today and if they do so, the appeal be restored to file and decided on merits. Keeping the orders dated 6.9.2004 and 2.11.2004, in view and considering the other material placed before me, I am satisfied that the following order would meet the ends of justice:

(i) It is open for the petitioners to deposit a sum as per the order dated 6.9.2004 within four weeks from today.

(ii) On the petitioners depositing the sum, as per order dated 6.9.2004, the order dated 2.11.2004 will stand quashed and set aside and in that event the appeal No.206/2004 will stand restored to file.

(iii) If the appeal stands restored to file, the Appellate Tribunal may deal with it in accordance with law.

(iv) It is made clear to the petitioners that the time to deposit the amount as aforestated shall not be extended on any ground whatsoever and in that case the order dated 2.11.2004 shall operate against them. With these observations the writ petition is disposed of.

(D.B.Bhosale, J.)